To: CN=Alan Henning/OU=R10/O=USEPA/C=US@EPA;CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]; N=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Helen Rueda/OU=R10/O=USEPA/C=US
Sent: Thur 3/15/2012 9:13:45 PM
Subject: Fw: Feedback on agenda items and attachment re: MidCoast Checkin Call @ 3:00
IR_TMDL_Elements_20120313-jw.xlsx
Hotspot
(embedded image)
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----- Forwarded by Helen Rueda/R10/USEPA/US on 03/15/2012 02:13 PM -----

From: Jennifer Wu/R10/USEPA/US
To: David Powers/R10/USEPA/US@EPA
Cc: BRANNAN.Kevin@deq.state.or.us, foster.eugene@deq.state.or.us, Helen Rueda/R10/USEPA/US@EPA, LOBOY.Zach@deq.state.or.us, michie.ryan@deq.state.or.us, SEEDS Joshua <SEEDS.Joshua@deq.state.or.us>, Waltz.David@deq.state.or.us
Date: 03/15/2012 11:54 AM
Subject: Re: Fw: Feedback on agenda items and attachment re: MidCoast Checkin Call @ 3:00

Hi Everyone - thanks for putting this together. The table does a very good job of simply and clearly comparing the traditional TMDL and an implementation-ready one. I agree with Dave's points below, and as we talked about on the call, the most critical piece to me is how the BMPs or actions in implemetnation plans will meet the load allocations. And also if the plans aren't sufficient to meet the LAs, the TMDL should then include the actions that would be needed to get there. Scale of watershed sources, scale of LAs, and BMP effectiveness (as indicated in the IR-TMDL column) are key, so I'm very interested in how those get developed. Easier said than done, I know.

You'll have to enlarge my comments in the XL spreadsheet below. Thanks for all your work.

Jenny Wu
U.S. EPA Region 10
Watershed Unit
1200 6th Avenue, Suite 900 (OWW-134)
Seattle, WA 98101
206-553-6328 (phone)
206-553-0165 (fax)

http://www.epa.gov/r10earth/tmdl.htm

From: David Powers/R10/USEPA/US
To: michie.ryan@deq.state.or.us, LOBOY.Zach@deq.state.or.us, Waltz.David@deq.state.or.us, Jennifer Wu/R10/USEPA/US@EPA, SEEDS Joshua <SEEDS.Joshua@deq.state.or.us>, BRANNAN.Kevin@deq.state.or.us, Helen Rueda/R10/USEPA/US@EPA
Cc: foster.eugene@deq.state.or.us
Date: 03/14/2012 04:54 PM
Subject: Fw: Feedback on agenda items and attachment re: MidCoast Checkin Call @ 3:00

Thanks for the check in yesterday. Given the short timeline before the Newport meeting and DEQ's interest in EPA feedback on the approach I'm providing input directly.

The following comments relate to the info provided in DEQ's e-mail below. The three primary issues are thresholds; management/Implementation plans, syncing timelines:

1)Thresholds: Having a good rationale underlying the threshold for individuals receiving a load allocation could be very important. That said, it may be ok to set load allocations more broadly (maybe by the x-field watershed) regardless of ownership or type of land use and then apply the load allocation with an implementation plan for each type of land use based on some different threshold. The threshold for application of management strategies, identifying responsible persons, and existing/revised implementation plans is more important than the threshold for the load allocation from my perspective. I think that 5000 acres is too large of a threshold. Aside from federal lands, I wouldn't think that there would be too many private forest landowners that have 5000 acres or more. WA State programs use < 80 acres as the threshold for small forest landowners with respect tor meeting some of the State Forest practice requirements. WA also uses a timber production volume threshold for the applicability of other State FPA requirements.

The article below indicates that nationally 90% of the nonindustrial private forest landowners hold less than 100 acres and 97% nationally hold less than 1,000 acres. The numbers may be a bit different for OR but using a 5000 acre threshold probably excludes too many significant forest land owners, particularly since 5,000 acres constitutes a significant proportion of many small coastal watersheds. If you can find a logical break in forest landowner ownership levels that reduces administrative burden while still covering the significant forest landowners and/or a significant portion of subwatersheds then I would use that threshold....maybe 100 to 300 acres? 320 acres is half a section and on the westside forests this acreage generates a ball park stream flow of ~0.5 cfs (USFS estimates 1 square mile in NW Froest Plan area generates 1 cfs).

Not having too high of an acreage threshold is even more important for land uses that have a greater impact on WQ than forestry. For exmaple, a 5,000 acre farm with signifcant row crops or a 5,000 acre industrial yard (you probably couldn't find these examples in the mid-coast) could have extremely significant WQ impacts. If you base thresholds more on the management measure/implementation plan side of the equation you could arrive at logical, yet different thresholds for landowners with different land uses.

Nonindustrial Private Forest Landowners:
Building the Business Case for Sustainable Forestry
Prepared by: Michael P. Washburn, Stephen B. Jones, and Larry A. Nielsen Abstract
This is a series of small cases that demonstrate sustainable forestry practice on Nonindustrial Private Forests (NIPF) with 2-3 cases from the Northeast, Southeast, and Pacific Northwest.

A Portrait of NIPF Lands and Owners
The NIPF category includes properties not held by government or forest products manufacturing firms. As Figure 1 indicates, 90% of the NIPF owners hold less than 100 acres.These small parcels account for 30% of NIPF acreage. Just 3% of private owners hold about 29% of the private forest acreage in parcels greater than 1,000 acres.This includes forest products companies and some large NIPFs. (The data below treat both NIPF and forest industry lands as "private." The "corporations" category includes forest industry and companies that own land but do not manufacture or sell forest products, for example, landholding and investment firms. Timber harvesting is the primary objective on all of these lands.)

The number of NIPF owners continues to grow, increasing by 27% from 1978 to 1994, according to a study done by Thomas Birch

of the U.S. Forest Service, Northeast Forest Experiment Station in Warren, Pennsylvania (see Table 1). More than 40% of current NIPF owners acquired their property since 1978. However, during the same period here was a drop in the number of large tracts, over 1,000 acres, which indicates that private forest lands are becoming increasingly fragmented. Tract size is an important criterion in the NIPF sustainability equation

2) Implementation plans, management measures, and the criteria that will be used to determine whether TMDL load allocations and surrogate measures will be met....this is by far the most significant piece of the puzzle from my perspective.
3) The schedule for completing the IR TMDL and management measures/implementation plans is critical with respect to the settlement agreement. By Nov. 15, 2013 EPA and NOAA have committed via settlement agreement to notice a proposed decision in the Federal Register to issue: 1) a full, unconditional approval of OR's CNPCP or 2) a finding that the state has failed to submit an approvable CNPCP and announce intent to withhold CWA 319 funding and CZMA 306 funding to the State of OR. NOAA and EPA would then have until May 15, 2014 under the settlement agreement to issue: 1) the CNPCP approval memo or 2) a finding of failure to submit an approvable CNPCP and begin withholding 319/306 funding in the next funding cycle.
Since the IR TMDL is a cornerstone of the settlement agreement, getting an IR TMDL with management measures that we can evaluate to ensure that outstanding CNPCP issues are addressed... within the above timeframes is key. We'll need some time to review the IR TDML, complete our initial assessment, and publish the proposed finding in the FR.
4) This is tough stuff. The matrix looks good but the language seems to be moving away from management measures to management strategies and implementation plans. It may just be semantics. If implementation plans and management strategies include specific BMPs, practices, buffers, and approaches that will clearly be implemented were are on track.

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----- Forwarded by David Powers/R10/USEPA/US on 03/13/2012 04:56 PM -----

From: Helen Rueda/R10/USEPA/US
To: David Powers/R10/USEPA/US@EPA
Date: 03/13/2012 02:35 PM
Subject: Fw: MidCoast Checkin Call @ 3:00

----- Forwarded by Helen Rueda/R10/USEPA/US on 03/13/2012 02:35 PM -----

From: MICHIE Ryan <Michie.Ryan@deq.state.or.us>
To: WALTZ David <Waltz.David@deq.state.or.us>, FOSTER Eugene P <FOSTER.Eugene@deq.state.or.us>, LOBOY Zach <LOBOY.Zach@deq.state.or.us>, Helen Rueda/R10/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA, Alan Henning/R10/USEPA/US@EPA, BRANNAN Kevin <BRANNAN.Kevin@deq.state.or.us>, SEEDS Joshua <SEEDS.Joshua@deq.state.or.us>
Date: 03/13/2012 01:35 PM
Subject: RE: MidCoast Checkin Call @ 3:00

Attached is the most recent version of the document David is talk about in agenda item 1d.

From: WALTZ David
Sent: Tuesday, March 13, 2012 1:21 PM
To: MICHIE Ryan; FOSTER Eugene P; LOBOY Zach; Helen Rueda; Jenny Wu (Wu.Jennifer@epamail.epa.gov); Alan Henning; BRANNAN Kevin; SEEDS Joshua
Subject: MidCoast Checkin Call @ 3:00

Proposed Agenda items for today's call:

HQ 6a - Nonresponsive

1. Identifying individuals receiving a LA
a. Source Area (i.e., ownership/jurisdiction % of contributing area to impaired waterbody, % of total watershed area, other?)
b. Threshold/Criteria (>5000 acres)
c. Naming Primary & Secondary Responsible Persons/DMA (ODA/ODF)
d. Criteria for Implementation plans (see Ryan's TRAD vs. IR-TMDL spreadsheet)
2. TMDL scope
a. Sedimentation (Listed segments only? All contributing area to watershed w/listed segments?)
b. Temperature (Basin-wide)
c. Bacteria (Freshwater listings; estuarine waters?)
3. Website
4. Status of LSAC presentations

Cheers,

R. David Waltz
TMDL Basin Coordinator
Oregon Dept. of Environmental Quality
165 East 7th Ave.-Suite 100
Eugene, OR 97401

Phone:541-687-7345
Fax: 541-686-7551

[attachment "IR_TMDL_Elements_20120313.xlsx" deleted by Jennifer Wu/R10/USEPA/US]